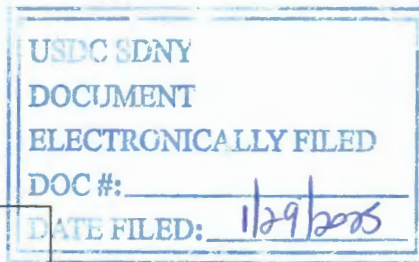


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



UNITED STATES OF AMERICA,

-v-

Pablo Valtierra Mata,

Defendant.

20-CR-659-02 (CM)

DECISION AND ORDER DENYING SENTENCE REDUCTION PURSUANT TO
AMENDMENT 821 OF THE UNITED STATES SENTENCING GUIDELINES MANUAL

McMahon, J.:

On September 29, 2022, Pablo Valtierra Mata was sentenced to a term of 90 months' imprisonment, for his involvement in a conspiracy to distribute methamphetamine.

Defendant has filed a motion asking the Court to reduce his sentence, pursuant to Amendment 821 (Part B), to the United States Sentencing Guidelines Manual. (Doc. 155). This is Mata's second motion requesting the exact same relief. The Court denied his last motion on May 30, 2024. (*See* Doc. 154).

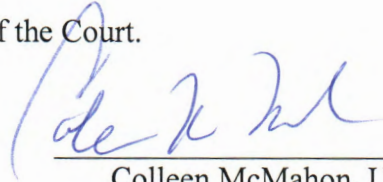
Amendment 821 (Part B) amends Guidelines § 4C1.1, by providing a 2-level offense level reduction for offenders with zero (0) criminal history points who meet specified eligibility criteria. The Sentencing Commission made the amendment retroactive.

Although Mata had zero criminal history points prior to his conviction in this case, and satisfies the other specified criteria, he cannot benefit from the resulting lowering of his sentencing guidelines range because his amended guidelines (168-210 months') is still greater than the 90 months' sentence the Court originally imposed. Under U.S.S.G. § 1B1.10(b)(2)(A),

the court is not permitted to reduce a defendant's term of imprisonment "to a term that is less than the minimum of the amended guideline range."

Accordingly, Mata's motion for a sentencing reduction pursuant to Amendment 821 is denied. The Clerk of the Court is directed to terminate the motion at Doc. 155.

This constitutes the decision and order of the Court.



Colleen McMahon, U.S.D.J.

Dated: January 29, 2025
New York, New York